



**UTILITY PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| In re Application of: |) | |
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| HODSDON, EDWIN R. |) | Patent Examiner: |
| GRENIER, LAURENT E. |) | Chapman, Jeanette, E. |
| |) | |
| Filing Date: 11/18/2003 |) | ART UNIT: 3635 |
| |) | |
| Serial No.: 10/716,090 |) | |
| |) | |
| For: |) | |
| |) | |
| METHOD AND ADJUSTABLE |) | September , 2005 |
| APPARATUS FOR ANCHOR-FREE |) | |
| MASONRY WALL BRACING |) | |
| (AS AMENDED) |) | Hallowell, Me 04347 |
| ----- |) | |

DECLARATION BY ED HODSDON UNDER RULE 131

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

Dear Sir:

Being duly sworn I do hereby declare and state as follows:

1. I am one of the joint inventors in the above-identified application that covers our invention. I have been shown an Official Action by our patent Attorney and have been given the prior art of record in this application. We want a patent to issue because we know our system - which we call the Adjust-It System™ by Jakerstin™ - to be new and different from the other known types at use in the wall building industry.

2. I have been in the building trades for many years and I know from my extensive work experience, education and from conversations with others

including the family members of the Williams reference US 3,817,006 cited by the Examiner, that our invention is worthy of serious consideration for a patent. We have several valid safety and unusual technical features in our system approach to wall building with our Adjust-It Brace™. These features in my own language are set out below and they include:

3. An anchor-free apparatus with stiff unitary right angle brace members which may simply be rotated into place for bracing a wall being fabricated from masonry blocks. Such a wall is considered "green" when first being constructed and requires non-forcible bracing as it gets higher and higher.

4. Our brace approach does not rely on dead man anchoring, snap ties with their associated force cleats, nor do we want to stress the wall by building a brace against - or hanging one on the wall under construction. Instead, we employ a single base-located connector bolt positioned in a connector opening which we locate in our wall being built at roughly the first block course. This connector then serves as a rotation rod where our brace system can be both rotated and tilted until it is flush and upright against the wall.

5. Our approach includes a stiff vertical brace member rigidly connected to a cantilevered horizontal member that is oriented for limited tilting movement about the rotation axis of our threaded connector rod. We employ an adjustable free standing jacking and/or leveling means which we position at the outmost end of our horizontal member.

6. At the right angle junction of our vertical and horizontal members, we employ a pair of spaced apart flanges which sandwich and rigidly tie together both our vertical and horizontal brace members. Together with telescoping steel tubes we form a unitary right angle brace structure. Again our brace approach teaches a user that it is adapted for both "non-wall-loading" rotation and a tilting placement adjacent the vertical surface of the wall being built.

7. Our single adjustable connector is, at first, loosely coupled to the right angle of our brace structure and it has a length sufficient to extend through said base-located connector opening. We make the opening in our flange area oversized enough to accommodate our rigid right angle brace structure and yet allow it to be rotated and tilted snugly in place against said wall.

8. Our preferred jacking approach is shown in our drawings and it includes a jack column that rests on a plate which sits on the surface of the ground. We have discovered that a commonly known screwjack works well. Our screwjack is located at the outermost end of our horizontal member and it readily allows for both rotation (easily removeable) and then tilting of our unitary brace. Additionally our brace system is made of telescoping tubular steel and may be easily moved from point to point - by one worker - as shown in our drawings. When our equipment is properly used, and our method is practiced, we provide safety and allow our vertical brace member to assume a non-wall-loading position which is "flush" against the block wall surface being built.

9. I have read the Williams patent and find it to be the approach recognized by some of the surviving members of the Williams family. Their Company no longer does bracing but instead use our bracing system. The Williams approach discloses a many piece, heavy system that is unsafe when hung from the wall and is stressed into place. The William family members know that their father had a good idea but just did not quite get there, and thus they refer to their dad's system as a "man killer". It was unsafe to use. Those family members have personally acknowledged to me the safety and technical benefits of our system approach. We do not recommend the extendable pipe brace approach that is positioned in the diagonal "kicker" of the Williams patent.

10. I submit this Declaration in good faith and ask reconsideration of our system by the U.S. Patent Office. We also ask that if a telephone call would be helpful, we can personally arrange for a telephone conference with Examiner Jeanette Chapman. We will gladly make ourselves available at her convenience.

11. I have considered the prior art proposed in the Office Action and discussed in my application. Nowhere in such prior art combinations do I find the disclosure that would normally lead one of ordinary skill in the wall building trade to arrive at our invention. I have also studied the other patents cited in the Action and note that the combination proposed by the Patent Office Examiner, in my opinion leads one away from - rather than toward - our invention. For these reasons I urge that the Examiner may want to reconsider her basis for the final rejection.

12. Even if my Declaration is not convincing enough, we would like it to be entered for purposes of Appeal. This is a significant invention and issuance of the patent is very important to our business. We want the patent to issue and will take steps to that end.

13 All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements are made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both or under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated:

9/26/05

By:

Edwin R. Hodsdon

Edwin R. Hodsdon